

<p style="text-align: center;"><b>DIRECT PAYMENT PROCESS BY THE DIVISION OF CAPITAL ASSET MANAGEMENT</b></p>
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***WHO QUALIFIES FOR DIRECT PAYMENT?***

**For C. 149, s. 44A-44H Projects:**

A subcontractor who files a sub-bid and receives a subcontract as a result of that filed sub-bid or who is approved in writing as a person performing labor or both performing labor and furnishing materials pursuant to a contract with the general contractor.

**For C. 30, s. 39M Projects:**

A subcontractor approved in writing as a person performing labor or both performing labor and furnishing materials pursuant to a contract with the general contractor or a person contracting with the general contractor to supply materials used or employed in a public works project for a price in excess of five thousand dollars.

***ARE ALL CLAIMS PAID?***

Claims are paid either directly to the subcontractor or deposited in escrow. Claims are paid out of funds which would otherwise be due the general contractor.

***HOW DO YOU FILE FOR DIRECT PAYMENT?***

See attached forms.

***[THIS DOCUMENT IS PROVIDED FOR FORMATTING PURPOSES ONLY. DO NOT SUBMIT IT AS YOUR REQUEST FOR DIRECT PAYMENT.]***

**DIRECT PAYMENT REQUEST FORMAT  
SUBSTANTIAL COMPLETION**

Date: \_\_\_\_\_

Certified Mail No.: \_\_\_\_\_

Mrs. Donna L. Bontempo  
Executive Assistant  
Division of Capital Asset Management  
One Ashburton Place, 15th Floor  
Boston, MA 02108

Re: Facility Name and Mass. State Project No.

Dear Mrs. Bontempo:

This is a direct payment request submitted on behalf of **[company name and sub-trade]** pursuant to Massachusetts General Laws Chapter 30, Section 39F. The petitioner has a subcontract with the general contractor. The petitioner has substantially completed the subcontract work on [ **Date** ] and has not received payment from the general contractor within the last 70 days. Therefore, pursuant to G.L. c.30 §39F(1)(d), a demand of [ \$\_\_\_\_\_ ] is hereby made for direct payment from the awarding authority as detailed in the following breakdown:

General Contractor: \_\_\_\_\_ Subcontractor: \_\_\_\_\_

<b>Base Contract Amount</b>	\$ _____
Approved Change Order(s)	
(List Change Order no.'s separately)	\$ _____
Extras (List extras separately)	\$ _____
Retainage Withheld	\$ _____
<b>Amount Due:</b>	\$ _____

Very truly yours,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

**Commonwealth of Massachusetts**

\_\_\_\_\_, ss  
(County)

\_\_\_\_\_  
(Date)

Then personally appeared the above-named **[Name of Affiant]** , who, after being duly sworn, did state the he/she is the **[Title]** of **[Name of Company]** and that the information contained within the foregoing **Demand for Direct Payment** is true and correct, is a free act and deed, and that a copy of same was sent by certified mail to the general contractor (certified mail receipt no. \_\_\_\_\_) on the same date the original was forwarded to the awarding authority.

\_\_\_\_\_  
**Notary Public**, State of Massachusetts  
My commission expires: \_\_\_\_\_

cc: general contractor (via certified mail)  
I:\intern\Brenda\DirPay\Sample1

***[THIS DOCUMENT IS PROVIDED FOR FORMATTING PURPOSES ONLY AND  
IS NOT TO BE SUBMITTED AS YOUR REQUEST FOR DIRECT PAYMENT.]***

**DIRECT PAYMENT REQUEST FORMAT  
PERIODIC PAYMENT**

Date: \_\_\_\_\_

Certified Mail No.: \_\_\_\_\_

Mrs. Donna L. Bontempo  
Executive Assistant  
Division of Capital Asset Management  
One Ashburton Place, 15th Floor  
Boston, MA 02108

Re: Facility Name and Mass. State Project No.

Dear Mrs. Bontempo:

This is a direct payment request submitted on behalf of **[company name, address and sub-trade]** pursuant to Massachusetts General Laws Chapter 30, Section 39F(1)(i). As of this writing we have not received payment from the general contractor.

The petitioner has a subcontract with the general contractor. The petitioner has not received payment on a periodic estimate submitted to the general contractor for labor performed and materials furnished by the petitioner.

**CHOOSE EITHER (A) OR (B)**

**A.** The general contractor has received payment for said labor and materials but has failed to make payment to the subcontractor when due.

**OR**

**B.** The general contractor has not submitted a periodic estimate for the value of said labor performed and/or materials furnished by the petitioner when due, less any amount specified in any court proceedings barring such payment and also less any amount claimed due from the petitioner by the general contractor.

Therefore, a demand of \$\_\_\_\_\_ is hereby made for direct payment from the authority as detailed in the attached breakdown. The subcontract work is \_\_\_\_\_% completed.

Date: \_\_\_\_\_

Project No.: \_\_\_\_\_

General Contractor: \_\_\_\_\_

Subcontractor: \_\_\_\_\_

Subcontractor Periodic Estimate No.(s) \_\_\_\_\_

Period of Estimate(s) \_\_\_\_\_

(Dates)

(A detailed breakdown of the work and dollars claimed is one of the requirements of the statute. Please provide same and a copy of the respective periodic estimate(s) to supplement your breakdown.)

**Amount Due:**

\$ \_\_\_\_\_

Very truly yours,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

### Commonwealth of Massachusetts

\_\_\_\_\_, ss  
(County)

\_\_\_\_\_  
(Date)

Then personally appeared the above-named [ **Signatory** ], who, after being duly sworn, did state the he/she is the [ **Title** ] of [ **Name of Company** ] and that the information contained within the foregoing **Demand for Direct Payment** is true and correct, is a free act and deed, and that a copy of same was sent by certified mail to the general contractor (certified mail receipt no. \_\_\_\_\_) on the same date the original was forwarded to the awarding authority.

\_\_\_\_\_  
**Notary Public**, State of Massachusetts  
My commission expires: \_\_\_\_\_

